

Office of Administrative Hearings of Baltimore County  
105 West Chesapeake Avenue Ste 103  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 78487

Diana Ervin  
2300 Taylor Avenue  
Parkville , Md.21234

11565 Philadelphia Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on September 20, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) 35-2-301, 304, 3-6-401, 402; failure to obtain building permit for new metal building on side on the side of the property; non- compliance with hearing officer's ruling: snowball stand not removed on residential property.

On August 8, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Lewis Mayer issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$ 7,000.00 (Seven thousand dollars)

The following persons appeared for the Hearing and testified: Diana Ervin, Respondent; Lewis Mayer, Baltimore County Code Enforcement Officer.

Testimony was presented that as a result of a violation Citation for a building (a garage) without a permit. Respondent filed for a variance regarding the site in 2010. A hearing was held and the Respondent was ordered to remove the subject structure. An appeal was taken, but was subsequently dismissed. On 3/4/11 a re-inspection of the subject property revealed that the snowball stand ( also ordered removed) and the garage were still on the property. A subsequent re-inspection resulted in the issuance of a Citation on 8/8/11 for not removing the abovementioned structures. A pre-hearing

inspection on 9/19/11 revealed that the garage was partially removed and the snowball stand was still on the property. The Respondent testified that it was her intention to break up the stand and remove it from the property as soon as possible. She further stated that the garage had been completely removed the previous day.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty lien be imposed in the amount of \$ 2,500.00 (Two thousand five hundred dollars).

IT IS FURTHER ORDERED that \$2,350.00 of the \$2,500.00 civil penalty lien be suspended.

IT IS FURTHER ORDERED that the remaining \$2,350.00 will be imposed if the property is not brought into immediate compliance.

IT IS FURTHER ORDERED that the remaining \$2,350.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty lien AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 23<sup>rd</sup> day of September 2011

Signed: Original signed 09/23/11  
Lawrence Stahl  
Managing Administrative Law Judge

**NOTICE TO RESPONDENT:** The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

TMK/lmw